Electric Orders - Issued 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY BLACK HILLS POWER AND LIGHT COMPANY FOR APPROVAL OF A CONTRACT WITH DEVIATIONS WITH THE SOUTH DAKOTA STATE CEMENT PLANT COMMISSION D/B/A DACOTAH CEMENT ORDER APPROVING CONTRACT WITH DEVIATIONS, WAIVING A CLASS COST OF SERVICE STUDY AND APPROVING A CONDITIONAL RATE FREEZE

EL99-005

On April 26, 1999, the Public Utilities Commission (Commission) received a filing by Black Hills Power and Light Company (BHPL) for approval of a contract with deviations with the South Dakota State Cement Plant Commission d/b/a Dacotah Cement (Dacotah). The Contract set rates for electrical service for an approximate five year period subject to several conditions. BHPL filed the following tariff sheets for Commission approval:

Section No. 1, Sixth Revised Sheet No. 3, Replacing Fifth Revised Sheet No. 3

Section No. 4, Eighth Revised Sheet No. 1, Replacing Seventh Revised Sheet No. 1

Section No. 4, Original Sheet No. 5, Replacing Seventh Revised Sheet No. 1

Section No. 4, Original Sheet No. 6

BHPL approached Commission Staff with a proposal subsequent to the filing of the above contract. The proposal was for a conditional rate freeze which was a continuation of the rate freeze ordered in Docket EL95-003 subject to certain conditions.

Because the Commission Order in Docket EL99-001 provided for a comparison class cost of service study for general service large customers reflecting revenues before and after the implementation of the tariff changes under Docket EL99-001 in BHPL's next general rate proceeding, Commission Staff and BHPL entered into a stipulation to request the waiver of that requirement as the stipulation and accompanying rate freeze could be construed as a general rate proceeding.

Secondly, Commission Staff and BHPL stipulated to an extension of the rate freeze ordered in Docket EL95-003 for a period between January 1, 2000, through December 31, 2004, subject to certain conditions.

On June 22, 1999, a regularly scheduled meeting, the Commission considered the request for approval of the Contract with Deviations, the request for waiver of the requirement for a comparison class cost service study for general service large customers, and for approval of the stipulation extending the conditional rate freeze as described above. Commission Staff filed a Staff recommendation which recommended approval of the Contract with Deviations, the waiver and the stipulation described above. BHPL appeared as a proponent of these items.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49- 34A, specifically, 49-34A-6, 49-34A-8, 49-34A-10, and 49-34A-11. Further, the Commission finds that BHPL's request for approval of a Contract with Deviations is just and reasonable and shall be approved. The requested waiver of the class cost of service study shall be approved. The Stipulation between Commission Staff and BHPL is just and reasonable and shall be approved. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request seeking approval of a Contract with Deviations is in the public interest and is hereby granted. It is further

ORDERED, that the above-referenced tariff sheets are effective for service rendered on and after the date of this Order. It is further

ORDERED, that the request for waiver of the requirement for a comparison class cost of service study for general service large customers, reflecting revenues before and after the implementation of the tariff changes under Docket EL99-001, which study was intended to assure that BHPL was not shifting costs between its respective classes of service for the benefit of general service large class customers is granted. It is further

ORDERED, that the Stipulation between Commission Staff and BHPL setting forth the conditions of a rate freeze is approved and is incorporated by reference the same as if it was fully recited herein. It is further

ORDERED, that this Order shall be effective on the date of issuance.

Dated at Pierre, South Dakota, this 25th day of June, 1999.

CERTIFICATE OF SERVICE	BY ORDER OF THE COMMISSION:
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in	JAMES A. BURG, Chairman
properly addressed envelopes, with charges prepaid thereon.	PAM NELSON, Commissioner
By:	LASKA SCHOENFELDER, Commissioner
Date:	
(OFFICIAL SEAL)	

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